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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re) Case No. 05-31539-C-7
OMAR MOHAMAD ELKHAYAT) DC No. JDM-1
Debtor.)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON MOTION TO AVOID LIEN**

These findings of fact and conclusions of law are rendered
in this contested matter pursuant to Federal Rule of Civil
Procedure 52 as incorporated by Federal Rules of Bankruptcy
Procedure 7052 and 9014.

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is a
core proceeding. 28 U.S.C. § 157(b)(2)(K).

Findings of Fact

On October 25, 2005, debtor filed a motion requesting that
this court avoid judgment liens in favor of American Express
Centurion Bank, Portfolio Recovery Associates, LLC, and NCO
Portfolio Management, Inc. A hearing was scheduled for December
13, 2005, to consider the motion. Upon review of the record, the
court determined that the written record was adequate and that no

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1 oral argument was necessary.

2 In reviewing debtor's proof of service, the court notes that
3 debtor served the motions on the attorneys who recorded the
4 abstracts.

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6 Conclusions of Law

7 Federal Rule of Bankruptcy Procedure 9014(b) requires that a
8 motion initiating a contested matter "shall be served in the
9 manner provided for service of a summons and complaint by Rule
10 7004." Fed. R. Bankr. P. 9014(b).

11 Federal Rule of Bankruptcy Procedure 7004(b) (3) provides in
12 pertinent part:

13 Except as provided in
14 subdivision(h), in addition-to the
15 methods of service authorized by
16 Rule 4(e)-(j) F.R.Civ.P., service
17 may be made within the United
18 States by first class postage
19 prepaid as follows... Upon a
20 domestic or foreign corporation or
21 upon a partnership or other
22 unincorporated association, by
23 mailing a copy of the summons and
24 complaint to the attention of an
25 officer, a managing or general
26 agent, or to any other agent
27 authorized by appointment or by law
28 to receive service of process and,
if the agent is one authorized by
statute to receive service and the
statute so requires, by also
mailing a copy of the defendant.

Fed. R. Bank. P. 7004(b) (3).

Here, debtor's service of motion does not comply with the requirement to serve the motion to the attention of an officer or other agent authorized as provided in Rule 7004(b) (3).

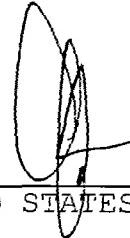
Beneficial California, Inc. v. Villar (In re Villar), 317 B.R.

1 88, 93 (9th Cir. BAP 2004). The court notes that a corporation's
2 agent for service of process may be identified by visiting the
3 California Secretary of State's website at www.ss.ca.gov. The
4 website contains a link to the "California Business Portal" which
5 provides an online service titled "California Business Search."
6 Therein, corporate information, including the agent for service
7 of process, may be obtained by entering the corporation's name in
8 the search engine.

9 Accordingly, the motion is denied.

10 An appropriate order will issue.

11 Dated: December 14, 2005



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13 UNITED STATES BANKRUPTCY JUDGE
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CERTIFICATE OF SERVICE

On the date indicated below, I served a true and correct copy(ies) of the attached document by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed and by depositing said envelope in the United States mail or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's Office.

Omar Mohamad Elkhayat
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Elk Grove, CA 95758

John David Maxey
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Stephen Reynolds
Chapter 7 Trustee
PO Box 1917
Davis, CA 95617

Office of the United States Trustee
United States Courthouse
501 "I" Street, Suite 7-500
Sacramento, CA 95814

American Express Company
CT Corporation System
818 W. 7th Street
Los Angeles, CA 90017

NCO Financial Systems, Inc.
CT Corporation System
818 W. 7th Street
Los Angeles, CA 90017

Dated: 12/16/05

W. Sennelski
Deputy Clerk